

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID E. KATES,

Plaintiff,

v.

B.A. BLEDSOE, et al.,

Defendant.

CIVIL ACTION NO. 3:11-CV-00391

(JUDGE CAPUTO)

MAGISTRATE JUDGE SMYSER)

ORDER

NOW this 6th day of February, 2012, upon review of Magistrate Judge Smyser's Report and Recommendation (Doc. 39) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 39) is **ADOPTED**.
- (2) Plaintiff's Motions for a Preliminary Injunction and for a Default Judgment (Doc. 18 and 24) are **DENIED**.
- (3) The case is **RECOMMITED** to Magistrate Judge Smyser for further proceedings.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge